

PHILLIPS, ORMONDE AND FITZPATRICK

PATENT AND TRADE MARK ATTORNEYS

37-41 QUEEN STREET, MELBOURNE, AUSTRALIA 3000

ESTABLISHED 1888

BERTRAM C. FITZPATRICK, F.I.P.A.A., M.C.I.P.A.
DAVID B. FITZPATRICK, B.SC., F.I.P.A.A.
PETER N. NICHOLLS, B.A., B.SC., F.I.P.A.A.
JOHN A. WATERS, A.R.M.I.T., F.I.P.A.A.
TERRENCE J. COLLINS, DIP.MECH.E., F.I.P.A.A.

AIRMAIL

AND AT P.O. BOX 127 CANBERRA CITY 2601

CABLES: MANAGEABLE MELBOURNE

TELEPHONE: 62 5011 5 LINES

25th February, 1972

RECEIVED
WLK&T

FEB 28 1972

FILE 582-454 Australia

Watson, Leavenworth, Kelton & Taggart,
100 Park Avenue,
New York 10017,
U.S.A.

Dear Sirs,

Ref: (JAW:ST) PHILIP MORRIS INCORPORATED
Australian Patent Appln. No. 31154
Filed 14th December, 1967
Your Ref: File 582-454 Australia

The Examiner's first report has now been received following modified examination of this case. A copy of the report is attached for your consideration.

Many of the objections arise from points which were not picked up when we transferred the amendments made during British prosecution to the Australian specification before preparing the statement of amendments filed with the examination request. We can attend to the necessary further amendments to overcome this type of objection. There are a number of differences to which the Examiner has directed attention which appear to arise from printing errors in the British specification. The latter type of objection is supported by the Australian official practice which requires strict conformity between the Australian and British specifications. However, if it is possible to obtain a certificate of correction from the British Patent Office, the Australian specification can then be allowed to proceed to acceptance in its correct form. In the present case you may not consider that the differences are of sufficient importance to warrant the trouble of obtaining a certificate of correction from the British Patent Office.

The passages concerned are those appearing at page 4 line 11, page 14 lines 15 and 25 and page 17 line 14 of the Australian specification. Please let us have your instructions regarding the correction of these pages in due course.

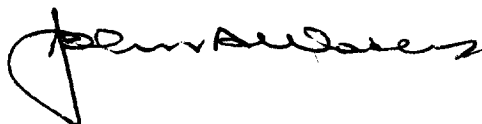
-1-

REF. IN REPLY PLEASE QUOTE OUR REFERENCE HEADING

In relation to the final matter which has been handwritten at the end of the Examiner's report, we attach a copy of Figure 1 of the drawings showing, in red, the amendments which were apparently made before grant of the British patent. Please check and confirm that the four amendments shown on the attached sheet are the only alterations made to Figure 1 of the drawings.

The report footnote specifies a twelve month acceptance period which may, under justifiable circumstances, be extended by a maximum of nine months. However, to avoid the uncertainty and expenses of late prosecution we request your early and comprehensive instructions and strongly recommend that you regard the case as falling due by 24th October, 1972.

Yours faithfully,
PHILLIPS ORMONDE AND FITZPATRICK



(John A. Waters)

Encls.